IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISIDICTION

CONTEMPT PETITION NO.69 OF 2004

Shri.Mahajan Sunil Doulat ..Petitioner

Vs.

Mr.Vinayak M.Shirke and Ors. ..Respondents

....

Mr.N.R.Bubna for petitioner
Mr.A.H.Palekar A.G.P. for Respondent no.4
Shri.V.A.Kohir for Respondent nos.1 to 3

....

CORAM : B.H.MARLAPALLE,J.

DATE : JANUARY 27,2005

P.C.:

1. Heard the learned counsel for the petitioner. The allegation made in this petition is that the order passed by the Grievance Committee constituted by the State Government under the Scheme framed for appointment of Shikshan Sevaks, has not been implemented. Whether the Grievance Committee is the Court within the meaning of Section 2(b) of the Contempt of Courts Act, 1971, is the issue raised by the respondent in the affidavit filed in reply. The Scheme of Shikshan Sevaks is by way of Government Resolution and that the Grievance Committee is established under the said Scheme. If the order passed by the Grievance Committee has not been obeyed, the Shikshan Sevaks would be at the most

treated on duty and therefore, appropriate remedy for recovery of salary is not barred. The learned counsel for the Petitioner stated that the Committee has the trappings of a Court. The Committee is not Forum/Tribunal established under any Statute.

2. It would not be therefore, safe at this stage, to entertain the contempt petition when the Grievance Committee cannot be held to be a Court.

3. Hence, the contempt petition is rejected. At the same time, it is clarified that this order will not come in the way of the petitioner to resort to an appropriate remedy for recovery of his salary.

[B.H.MARLAPALLE,J.]